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salesforce.com, inc.

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

12 SALESFORCE.COM, INC., a Delaware  
13 Corporation,

14 Plaintiff,

15 v.

16 THE COMPUTER MERCHANT, LTD, a  
17 Massachusetts Corporation,

18 Defendant.

19 AND RELATED COUNTERCLAIMS

Case No.: C 07 3556 WHA

STIPULATION AND [PROPOSED] ORDER OF  
DISMISSAL WITH PREJUDICE PURSUANT  
TO RULE 41(a)

21 Pursuant to Federal Rule of Civil Procedure 41(a) and the settlement agreement entered  
22 into by the parties in this action effective February 11, 2008 the parties, by and through their respective  
23 undersigned attorneys, stipulate as follows:

24 1. The Complaint filed by salesforce.com, inc. (“SFDC”), and each and every claim set  
25 forth therein, shall be dismissed with prejudice.

26 2. The Counterclaim filed by The Computer Merchant, Ltd. (“TCML”) and each and  
27 every claim set forth therein, shall be dismissed with prejudice.

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1                   3. The Counterclaim filed by Astadia Consulting, LLC ("ASTADIA"), and each and  
2 every claim set forth therein, shall be dismissed with prejudice.

3                   4. SFDC, TCML and ASTADIA each waive all rights to recover costs and attorneys'  
4 fees from each and all of the other parties.

5  
6                   **SO STIPULATED.**

7                   DATED: March 13, 2008.

McGRANE GREENFIELD LLP

9                   By: See Attachment 1  
10                   CHRISTOPHER D. SULLIVAN  
11                   Attorneys for Counter-Defendant and  
12                   Counterclaimant  
13                   ASTADIA CONSULTING, LLC

14                   DATED: March 12, 2008.

GALLO & ASSOCIATES

15                   By: See Attachment 2  
16                   RAY E. GALLO  
17                   Attorneys for Defendant  
18                   and Counterclaimant  
19                   THE COMPUTER MERCHANT, LTD.

20                   DATED: March 14, 2008.

SULLWOLD & HUGHES

21                   By: /S/  
22                   JAMES A. HUGHES  
23                   Attorneys for  
24                   PLAINTIFF SALESFORCE.COM, INC.

## ORDER

The parties to this action having so stipulated;

**IT IS ORDERED:**

(1) the Complaint filed by saleforce.com, inc. is hereby DISMISSED WITH PREJUDICE;

(2) the Counterclaim filed by The Computer Merchant, Ltd. is hereby DISMISSED WITH PREJUDICE;

(3) the Counterclaim filed by Astadia Consulting, LLC is hereby DISMISSED WITH PREJUDICE; and

(4) All parties to this action shall bear their own costs and attorneys' fees.

DATED: \_\_\_\_\_

Hon. William H. Alsup  
UNITED STATES DISTRICT JUDGE